

**RESOLUTION NO. 2017-41b**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, DIRECTING THAT THE AMOUNTS APPROPRIATED FOR CURRENT OPERATIONS FOR THE 2016-2017 FISCAL YEAR BE DEEMED APPROPRIATE FOR THE ENSUING FISCAL YEAR FOR THE PERIOD BEGINNING OCTOBER 1, 2017 THROUGH AND INCLUDING OCTOBER 15, 2017; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 4.05 of the Village of Key Biscayne (“Village”) Charter requires that the Council adopt an annual budget on or before the last day of September of each year; and

**WHEREAS**, Section 4.05 of the Village Charter provides that where the Council fails to adopt an annual budget on or before the last day of September, the Council is authorized to direct by resolution that the amounts appropriated for current operations for the then ending fiscal year be deemed appropriate for the ensuing fiscal year for a period of fifteen (15) days and renew such resolution each fifteen (15) days, with all items in it prorated accordingly, until such time as the Council adopts an annual budget for the ensuing fiscal year; and

**WHEREAS**, on September 4, 2017, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency due to Hurricane Irma; and

**WHEREAS**, on September 6, 2017, the Florida Department of Revenue (“DOR”) issued an Emergency Order Implementing Provisions of Executive Order No. 17-235 (“Order”), which waives certain timing compliance requirements and provides for additional notice conditions; and

**WHEREAS**, on September 8, 2017, the DOR issued an Amended Order Implementing Provisions of Executive Order No. 17-235 (“Amended Order”) to clarify that the provisions of the DOR Order applied to ad valorem and non-ad valorem assessments; and

**WHEREAS**, on September 15, 2017, the DOR issued an Order Extending Amended Emergency Order Pertaining to Ad Valorem and Non-Ad Valorem Assessments to extend the provisions of the Amended Order for an additional thirty days, through November 3, 2017; and

**WHEREAS**, Hurricane Irma caused significant damage throughout the State of Florida, including within the Village, which caused a disruption in the Village’s operations and has delayed the Village staff and Council’s ability to adopt an annual budget before September 30, 2017; and

**WHEREAS**, the Village Council is scheduled to conduct its second public hearing to adopt a final millage rate and budget for fiscal year 2017-2018 on October 17, 2017; and

**WHEREAS**, the Village Council desires to utilize its Charter powers and direct that the amounts appropriated for current operations for the current fiscal year 2016-2017 be deemed appropriate for the ensuing fiscal year for the period beginning October 1, 2017 through and including October 15, 2017 ,with all items in it prorated accordingly; and

**WHEREAS**, the Village Council wishes to renew this Resolution until such time as the Council adopts an annual budget for the ensuing fiscal year; and

**WHEREAS**, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

**Section 1.**     **Recitals Adopted.** That the above recitals are true and correct and incorporated herein by this reference.


**Section 2.**     **Appropriations.** The Village Council hereby directs that the amounts appropriated for current operations for the current fiscal year 2016-2017 be deemed appropriate for the ensuing fiscal year for the period beginning October 1, 2017 through and including October 15, 2017, with all items in it prorated accordingly, and that this Resolution be renewed each fifteen days until such time as the Council adopts an annual budget for fiscal year 2017-2018.

**Section 3.**     **Authorization.** The Village Council hereby authorizes the Village Manager to take any and all action necessary to implement the intent and purpose of this Resolution.

**Section 4.**     **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this 26<sup>th</sup> day of September, 2017.

[THIS SPACE INTENTIONALLY LEFT BLANK.]

  
MAYRA PEÑA LINDSAY  
MAYOR

ATTEST:

  
JENNIFER DUQUE, CMC  
VILLAGE CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
VILLAGE ATTORNEY